

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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| JULIO ANGEL ROSA, | : | CIVIL ACTION |
| Plaintiff | : | |
| v. | : | |
| NANCY A. BERRYHILL, | : | |
| Acting Commissioner of the | : | |
| Social Security Administration, | : | |
| Defendant | : | NO. 18-4880 |

MEMORANDUM

CAROL SANDRA MOORE WELLS
UNITED STATES MAGISTRATE JUDGE

May 14, 2019

Julio Angel Rosa (“Plaintiff”) seeks judicial review, pursuant to 42 U.S.C. § 405(g), of the final decision of the Commissioner of the Social Security Administration (“the Commissioner”). In his request for review, Plaintiff raises five assertions of error. The Commissioner has filed a motion to remand this case, conceding that the administrative law judge (“ALJ”) in this case failed to comply with his duty to determine whether Plaintiff was unable to work for the statutory period of twelve months. Document No. 13 at 1. The Commissioner requests that this court reverse her final decision and remand the case so that the Appeals Council can correct this error, possibly by directing an ALJ to further evaluate the claim. *Id.* at 2. The Commissioner represents that Plaintiff, through his attorney, consents to the Commissioner’s request. Inasmuch as the Commissioner has acknowledged at least one error, this court is able to order the remand, pursuant to sentence **four** of 42 U.S.C. § 405(g). *See Melkonyan v. Sullivan*, 501 U.S. 89, 98 (1991). Additionally, since both parties agree to it, this court will order a remand.

An implementing Order follows.